

Docket No.: 20050/0200469-USO
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mizutani Satoshi et al.

Application No.: 10/705,810

Confirmation No.: 5412

Filed: November 10, 2003

Art Unit: 3761

For: INTERLABIAL PAD AND PACKAGE
THEREOF

Examiner: M. M. Kidwell

RESPONSE TO SPECIES ELECTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

As a result of the Office Action mailed January 30, 2008 with regard to the above-referenced patent application, Applicants are required under 35 U.S.C. § 121 to elect a single one of the following Species identified by the Examiner, including a listing of the claims readable thereon, for further prosecution on the merits, to which the claims shall be restricted if no generic claim is finally held to be allowable:

Species 1: Figures 1a-1b
Species 2: Figure 3
Species 3: Figure 4
Species 4: Figure 5
Species 5: Figure 6-7
Species 6: Figure 8
Species 7: Figure 9
Species 8: Figures 10 and 17- 18
Species 9: Figures 11 and 16
Species 10: Figure 12
Species 11: Figure 13
Species 12: Figure 14
Species 13: Figure 15
Species 14: Figure 19
Species 15: Figure 20
Species 16: Figure 21

Applicants provisionally elect Species 6, corresponding to Figure 8, with traverse. Claims 1-5, 8-10, 14- 16, and 19 - 21 read upon the elected Species.

Applicants submit that claims 1-5, 8-10, 14- 16, and 19 - 21 also read on Species 4, which corresponds to FIG. 5. Applicants respectfully submit that the addition of Species 4 to elected


Species 6 would provide little additional examination burden because Species 4 and elected Species 6 correspond to an identical set of independent and dependent claims. Applicants request therefore that Species 4 be joined with elected Species 6 for examination.

Presently, the Examiner identifies no claim as being generic. Applicants respectfully submit that independent claim 1 is generic with respect to at least each of Species 1 - 9. If independent claim 1 is found allowable, Applicants intend to provoke rejoinder and allowance under MPEP § 806.04(d) of any claims that may have been withdrawn as being drawn to any of the unelected species and that can be properly presented to depend from claim 1 in its allowable form.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 26, 2008

Respectfully submitted,

By  44528
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